

OGC Has Reviewed

Chief, Fiscal Division

18 October 1951

Office of the General Counsel

Automobile Accident - [REDACTED]

STATOTHR

1. Reference is made to your memorandum of 24 September 1951, concerning an accident involving a CIA vehicle and a privately owned truck driven by [REDACTED]

STATOTHR

2. It remains our opinion that this accident was caused by the negligence of [REDACTED] but it may be difficult to prove in court. It is a close case, as are most accidents which occur at uncontrolled intersections.

STATINTL

3. In any event, a concerted attempt to collect our claim could prove very costly. Normally, if the Government goes into court when the negligence is 50-50, the Government's chances of losing are about 60-40, simply because of the average juror's knowledge of the Government's solvency. Consequently, instead of collecting \$33.59, the Government could lose the case.

4. In view of the above, it may be advisable to "pigeon-hole" this case. Pressing the claim in Baltimore would require many man hours and the possibility of loss seems to outweigh the need for further action in this case. If suit is filed by the other party, it would be necessary to defend the Government through the Department of Justice. In the meantime, however, inaction appears advisable.

STATINTL

STATINTL

OGC, [REDACTED] /MCD

Attachments:

Basic file including letter of 6 Sept fr Attorney Berlin; letter from Fiscal to claimant copy of OGC memo dated 9 August; copy of Property Survey Board memo of 31 July attaching Case No. 00242.

Distribution:

Orig - Add
1 - Subj
1 - Chrono

Chief, Fiscal Division

18 October 1951

Office of the General Counsel

Automobile Accident [REDACTED]

STATINTL

1. Reference is made to your memorandum of 24 September 1951, concerning an accident involving a CIA vehicle and a privately owned truck driven by [REDACTED]

STATOTHR

STATOTHR

2. It remains our opinion that this accident was caused by the negligence of [REDACTED] but it may be difficult to prove in court. It is a close case, as are most accidents which occur at uncontrolled intersections.

3. In any event, a concerted attempt to collect our claim could prove very costly. Normally, if the Government goes into court when the negligence is 50-50, the Government's chances of losing are about 60-40, simply because of the average juror's knowledge of the Government's solvency. Consequently, instead of collecting \$33.59, the Government could lose the case.

4. In view of the above, it may be advisable to "pigeon-hole" this case. Pressing the claim in Baltimore would require many man hours and the possibility of loss seems to out-weigh the need for further action in this case. If suit is filed by the other party, it would be necessary to defend the Government through the Department of Justice. In the meantime, however, inaction appears advisable.

STATINTL

STATINTL

OGC [REDACTED] /MCD

Attachments:

Basic file including letter of 6 Sept fr Attorney Berlin; letter from Fiscal to claimant copy of OGC memo dated 9 August; copy of Property Survey Board memo of 31 July attaching Case No. 00242.

Distribution:

Orig - Add
1 - Subj
1 - Chrono